

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Conservation Law Foundation

v.

Case No. 06-cv-45-PB

Federal Highway Administration and
New Hampshire Department of Transportation

O R D E R

On or before 5:00 p.m. on August 1, 2007, the parties shall file a joint submission that:

1. Identifies every reference in the Administrative Record to "generated traffic" and "induced travel" as those terms are used in AR 26951 and AR 08286-87 or, as they are reflected in the tables depicted on AR 21782 and 21783. I am particularly interested in any reference that explains how generated traffic or induced travel was estimated and accounted for in the FEIS. Copies of any pages of the Administrative Record that respond to this directive shall be attached to the joint submission.

2. Identifies every reference in the Administrative Record that explains how the population estimates that were used in the Statewide Model to project traffic in the FEIS were developed and used. I am particularly interested in confirming or refuting my impression that while the defendants' use of the Statewide Model

anticipates roadway improvements such as the Four Lane Alternative, see AR 26443, and defendants' use of the Model in the FEIS assigns additional generated traffic to the Four Lane Alternative, defendants did not specifically assume any additional induced population growth when they used the Statewide Model to project traffic in the FEIS, see AR 22678. Copies of any pages of the Administrative Record in addition to those that I have cited that respond to this directive shall be attached to the joint submission.

3. Cites one published source for each side that best, in that side's view, explains the concepts of generated traffic and induced population growth that can result from Highway Improvement Projects. A copy of each published source shall be submitted with the joint submission.

The joint submission shall respond to this Order without including any additional argument.

SO ORDERED.

/s/Paul Barbadoro
Paul Barbadoro
United States District Judge

July 30, 2007

cc: Thomas F. Irwin, Esq.
Bradford W. Kuster, Esq.
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